

Remarks

Claim 1 was pending at the time of issuance of the Office Action mailed November 20, 2003. In the Office Action, the examiner rejected claim 1 under 35 U.S.C. § 102(a) on the asserted basis that claim 1 was anticipated by Zioupos et al., *Mechanical and optical anisotropy of bovine pericardium*, cited by applicant in parent application 09/591,005. The foregoing amendment cancels claim 1 and adds new claim 2.

The Zioupos reference generally describes procedures for performing laboratory testing of tissue for research purposes. Zioupos fails to disclose or suggest a handheld surgical device having the combination of elements recited in claim 2. For example, Zioupos does not disclose or suggest a device having at least the following combination of elements required by new claim 2: a handheld body having an upper chamber and a lower cavity housing a pressure chamber in fluid communication with a pressure source, and an orifice formed in the body between the upper chamber and low cavity providing fluid communication between the upper chamber and lower cavity. Unlike the methodology and test apparatus disclosed in Zioupos, the surgical device configured in accordance with the present invention is capable of convenient use in an operating room during a surgical procedure.

Accordingly, it is respectfully submitted that the foregoing amendment overcomes the reference cited by the examiner and places claim 1 in a condition for allowance. The examiner is encouraged to contact the undersigned attorney by telephone to resolve in remaining issues.

Extension of Time Under 37 C.F.R. § 1.136(a)

Please grant a three-month extension of time for responding to the Office Action mailed November 20, 2003. With the requested extension, the deadline for a response will be May 20, 2004. The Commissioner is authorized to charge Deposit Account No. 02-4467 for the requisite extension fee and any additional fees.

Respectfully submitted,

By: 

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